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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 CR 651 (LTS)

5 NIKOLAOS LIMBERATOS,

6 Defendant.

7 -----x
8 New York, N.Y.
9 October 24, 2019
11:20 a.m.

10 Before:

11 HON. LAURA TAYLOR SWAIN,

12 District Judge
13

14 APPEARANCES

15 GEOFFREY S. BERMAN,

16 United States Attorney for the
Southern District of New York

17 ROBERT B. SOBELMAN

SAMUEL P. ROTHSCHILD

18 DANIEL LOSS

Assistant United States Attorneys

19 KARLOFF C. COMMISSIONG

20 Attorney for Defendant

21 ALSO PRESENT: PRETRIAL SERVICES OFFICER JOSH ROTHMAN
22 TASK FORCE OFFICER JOHN HOFFMAN
23 TASK FORCE OFFICER JOHN REUTHER
24
25

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(In open court)

THE COURT: Good morning again. Would everyone other than counsel please be seated.

(Case called)

THE COURT: Since we're starting a new transcript, counsel, your appearances again.

MR. SOBELMAN: Robert Sobelman, Samuel Rothschild and Daniel Loss for the United States, and we're joined at counsel table by Task Force Officers John Hoffman and John Reuther of the Federal Bureau of Investigation. Good morning, your Honor.

THE COURT: Good morning. And from the Pretrial Services Office, we have Officer Joshua Rothman here.

MR. ROTHMAN: Good morning, your Honor.

THE COURT: Good morning, Mr. Rothman.

MR. COMMISSIONG: Karloff Commissiong on behalf of Mr. Limberatos, who is standing next to me, your Honor.

THE COURT: Good morning, gentlemen. Please be seated.

So this is the government's appeal of the bail determination made by Judge Wang in October. I don't have the precise date in front of me. I received the government's letter appealing that bail decision. I have reviewed it. I have also reviewed Mr. Commissiong's memorandum in opposition, and I've reviewed the transcript of the proceeding before Judge Wang and the pretrial services report --

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1 MR. COMMISSIONG: Pardon me.

2 THE COURT: -- concerning -- yes?

3 MR. COMMISSIONG: Pardon the interruption. I just
4 wanted to make one small correction. I stated in the letter
5 that he has an 11-year-old daughter and a 15-year-old daughter.
6 He has a 15-year-old daughter and a 17-year-old daughter. The
7 15-year-old daughter, who I referenced with respect to the
8 medical records, that's correct. The 17-year-old daughter is
9 the daughter with whom he scouts colleges with.

10 THE COURT: I was thinking that the 15-year-old was --

11 MR. COMMISSIONG: A bit young.

12 THE COURT: -- both energetic and precocious.

13 MR. COMMISSIONG: Thank you, your Honor.

14 THE COURT: All right. Thank you for straightening
15 that out. I went to college when I was 16; so it's not
16 impossible, but although, not necessarily typical. So thank
17 you for that correction.

18 So I have an obligation to make a determination
19 *de novo*, but I have read the record of the proceeding
20 beforehand; so I am not unfamiliar with the arguments and the
21 evidentiary proffers upon which those arguments rest.

22 I understand that it is the government's position that
23 it is risk of flight that warrants detention here. That burden
24 is a preponderance of the evidence. The government is not
25 making a danger to the community argument.

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1 So I'm going to ask the government to start off and
2 ask that, in the government's remarks, you focus me on any
3 evidence that you have showing Mr. Limberatos, himself, as
4 opposed to participants in the conspiracy generally, as having
5 access to significant funds and/or fraudulent travel documents
6 that point to a likelihood of flight, notwithstanding
7 conditions and the combination of conditions that have been put
8 in place.

9 MR. SOBELMAN: Yes, your Honor. If I may, your
10 Honor's obviously familiar with the record. I won't repeat the
11 arguments we made either in our submission or at the bail
12 hearing. I'd like to take a moment, before I turn to your
13 Honor's question, to just respond to some of the things that
14 were in Mr. Commissiong's letter --

15 THE COURT: Yes.

16 MR. SOBELMAN: -- that was filed yesterday.

17 First, your Honor, one of the grounds that he relies
18 on for stating that he would not leave the country is -- I'm
19 sorry, your Honor. One of the things he talks about is that,
20 well, even if he goes to Greece, the government could extradite
21 him. That rests on a false premise. Greece, as a general
22 rule, does not extradite their own citizens.

23 Just yesterday Judge Cote, in a fraud case, ordered
24 that a defendant be detained pending trial on risk of flight
25 grounds. The case is *United States v. Telemaque Lavidas*.

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1 That's T-e-l-e-m-a-q-u-e, L-a-v-i-d-a-s. It's 19 CR 716. That
2 gentleman is actually an American citizen but has Greek
3 parentage. His parents were from Greece, and one of the
4 factors that Judge Cote rested her decision on was that because
5 he could flee to Greece, then obtain Greek citizenship, due to
6 his parentage, and therefore, not be extraditable to the United
7 States was one of the principal factors she relied upon that is
8 a risk of flight.

9 Here, we are not dealing with an American citizen. We
10 are dealing with a Greek citizen.

11 THE COURT: Before we go away from the Lavidas case as
12 precedent, is that a person who had family, children, job,
13 property here in the United States and other strong ties to the
14 area?

15 MR. SOBELMAN: Yes, your Honor. He worked here. He
16 had a job. He had -- I believe he had either one or two
17 children. He wasn't facing a mandatory minimum, which I'll
18 note. He did have some extensive travel, but I believe he did
19 have children. It's not my case. I'm not familiar with all
20 the facts, but I did --

21 THE COURT: The facts are important.

22 MR. SOBELMAN: No, I understand, your Honor. I'm just
23 familiar -- I raise it not that it's the same case, or they're
24 even necessarily the same in every way, but I raise it just to
25 make the point about the Greek citizenship issue and the

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1 extradition point that defense counsel raised is false. It is
2 baseless.

3 He cannot be extradited from Greece. They have a
4 general rule regarding extradition. So if he can successfully
5 get there, he is done, he is free, and that is a huge problem
6 both for defense counsel's argument and for the government,
7 should he leave the United States.

8 Another point that defense counsel raises in the
9 submission is that he wouldn't leave his daughters. First of
10 all, his daughters could relocate to Greece more easily than he
11 could spring himself from jail, should he be sentenced to a
12 lengthy term of imprisonment, which we expect to occur in this
13 case.

14 People leave their children for these same reasons not
15 infrequently. Just last week, a defendant named *Rosa*
16 *Rodriguez*, in case 19 CR 729 was granted bail in large part
17 because she had a seven-year-old son that she had to care for
18 and claimed that she had no one else that would be able to take
19 care of him. Within a few days, she dropped the kid off with
20 someone else, at family or friend, and is believed now to be in
21 the Dominican Republic, where she was a citizen. She did not
22 appear for her arraignment in front of Judge Aaron.

23 Again, different type of case. It's not on all fours
24 here. I'm not saying they are the same defendant, but it is
25 not inconceivable that Mr. Limberatos would rationally decide

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1 he would rather live out his life in Greece, than spend what
2 is, at least at this point, a mandatory two years, should he be
3 convicted, in federal prison before inevitably being deported
4 due to being convicted of an aggravated felony. It's not
5 inconceivable that someone would leave their children. Again,
6 a woman did it just last week.

7 Mr. Commissiong relies heavily on the *Paulino* case.
8 Obviously, *Paulino* is a District Court case. It's not binding,
9 just as Judge Cote's decision on the case yesterday is not
10 binding. But *Paulino* is distinguishable on many grounds, some
11 of which are even in the block quote that defense counsel used
12 in his letter.

13 For example, *Paulino* is an American citizen, not a
14 citizen of a foreign country that doesn't extradite their own
15 citizens to the United States. He had no known travel history,
16 aside from travel as a young child, unlike this defendant, who
17 has a fairly extensive travel history. And *Paulino*, unlike
18 this defendant, was truly indigent.

19 The government, obviously, hasn't been privy to this
20 defendant's financial disclosure. We were a little surprised
21 that he was found eligible for appointed counsel. We're not
22 going to challenge that, that's in the discretion of the Court,
23 but he disclosed in his pretrial services report that he has at
24 least \$50,000 in cash, and this goes to your Honor's
25 question -- not in cash, I'm sorry, in a bank account, in a

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1 checking account. And this goes to your Honor's question about
2 the means to flee.

3 Going to the Greek consulate or embassy and getting a
4 new passport and buying a plane ticket to Greece would hardly
5 cost \$50,000. And again, your Honor, as we stated in the prior
6 proceeding, we don't have evidence that this defendant
7 specifically had in his possession false identity documents,
8 but that's the nature of the scheme.

9 At one point in defense counsel's letter, he says
10 there's no allegations of identity theft or impersonation.
11 He's charged with aggravated identity theft. Yes, he did not,
12 as far as we know, actually hold a passport in another name
13 with his picture on it, at this point, but he likely had no
14 reason to. He was able to reside here lawfully and travel
15 freely. He no longer can do that.

16 Now he has the incentive to use his network to obtain
17 those documents that we know, because we've intercepted them
18 and had cooperating sources tell us about them and their
19 availability to other members of the same organization. Of
20 note, in the search warrant that was executed at
21 Mr. Limberatos' home, and I note the photos we offered both at
22 the bail hearing and some then additional ones from the search
23 warrant during -- in our letter are just a few of literally
24 over 500 photographs that were taken of evidence in his home.
25 This is just a few from ones that law enforcement had the

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1 chance to look through and analyze.

2 The amount of evidence gathered from his home was
3 overwhelming and voluminous. There was a package in his home
4 that was shipped to another address, not his home address, that
5 bore the name that is listed in the indictment as his alias.
6 It was shipped to not his name, but his alias.

7 This is someone who is using a false name recently as
8 part of committing this crime, and again, is charged with
9 aggravated identity theft. It is not a leap to think that he
10 would have access to be able to procure or be able to
11 manufacture a false identity document that would assist him in
12 traveling.

13 Finally, your Honor, another -- I think it's just an
14 error in defense counsel's submission. On page 4, they state
15 that two percent of non-citizens who are placed on electronic
16 monitoring became fugitives and cites the bail hearing. If
17 your Honor looks at the transcript, which I'm sure your Honor
18 did, on page 21, that is not the statistic that's offered.
19 It's not of non-citizens. It's two percent of the defendants
20 who are placed on electronic monitoring. There is no mention
21 of whether they are citizens or non-citizens.

22 Many non-citizens are detained pending trial in a
23 variety of types of cases where they're charged with aggravated
24 felonies for precisely the reasons that we're stating here. I
25 don't have in front of me what the percentage of people placed

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1 on electronic monitoring are, in terms of their citizenship,
2 but it would not be a leap to infer that many of them probably
3 are citizens, like Paulino, because many non-citizens are
4 detained pending trial, like the defendant.

5 In addition, and I think I noted this at the bail
6 hearing before the Magistrate Judge, the government's position
7 is that the court, the magistrate judges and the district
8 judges in this district generally get it right with respect to
9 detention. Sometimes they don't, in our view, but they
10 generally do, and that's why the rate of people fleeing is
11 fairly low. It's not because people don't want to flee. It's
12 that the people like Mr. Limberatos, who have the means, the
13 incentive, the ability and a place to go, are detained.

14 Two more points -- I'm sorry, one more point in
15 response and then, your Honor, I have to answer any of your
16 questions, which is -- and defense counsel made this argument
17 at the prior bail hearing as well. Well, we don't really know
18 what's in these pictures, and that's just false. The
19 government knows what's in the pictures from his house. We
20 know what we seized. It looks like other evidence that's been
21 seized and viewed in the course of this investigation.

22 We have law enforcement witnesses who will and can
23 testify about what those items are. They are items that are
24 used either potentially for use or, for many of them,
25 exclusively for ATM skimming. They are advanced technology.

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1 They are sophisticated technology, and there is no other
2 purpose to have some of those things than to participate in the
3 crime that's charged.

4 The fact that one cannot look at a circuit board or a
5 deep-insert ATM skimmer and know, as a layperson or as a
6 defense attorney, oh, that's a deep-insert ATM skimmer, instead
7 of a firearm, in the example that I think defense counsel gave
8 or drugs, is of no moment. We know what those are.
9 Mr. Limberatos knows what those are.

10 Defense counsel hasn't suggested that any of the items
11 are not what they appear to be, or what the government says
12 they are, and certainly the burden is not on him, but we think
13 the government should credit -- I'm sorry, we think the Court
14 should credit the government's proffer of what we seized and
15 what those items are.

16 Your Honor, I'm happy to answer any other questions
17 the Court may have. Otherwise, we'll rest on our papers.

18 THE COURT: Thank you.

19 MR. SOBELMAN: Thank you.

20 THE COURT: Mr. Commissiong?

21 MR. COMMISSIONG: Good morning, your Honor.

22 THE COURT: Morning.

23 MR. COMMISSIONG: I think that my first point, your
24 Honor, is he's here. He's right here, sitting before your
25 Honor in this courtroom, and although the government said that

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1 your Honor should give no weight to the fact that he will
2 attend this court conference, she has, and he was actually
3 early, your Honor. Your Honor should put full weight on the
4 fact that he's here, the fact that he is attending this court
5 conference, the fact that he is fulfilling the very
6 responsibilities that the government said that he would not.

7 Your Honor, the government stated that, as a rule,
8 Greece will not extradite Greek nationals. Well, that's a bit
9 inaccurate. Greece won't extradite Greek nationals unless
10 there's a bilateral agreement, and I believe I cited to a
11 bilateral agreement that the State Department has on their
12 website. United States and Greece, they have a bilateral
13 agreement regarding extradition. So any issue -- if, if, if
14 that were to come up, there is an extradition agreement between
15 the United States and Greece.

16 Your Honor, the government mentioned that his
17 daughters could easily relocate. Your Honor, how many
18 hypotheticals are the government going to come up with in order
19 to have Mr. Limberatos detained? They can come up with as many
20 hypotheticals as they want. Your Honor, they are just
21 hypothetical. They're not backed up by any facts. They're not
22 backed up by any statistics. They're not backed up by any
23 studies whatsoever, and I think that this is a good segue for
24 me to get into a stat that the government believes I misquoted.

25 That stat was a stat that I got from pretrial

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1 services. I called Francesca Miller from pretrial services and
2 asked specifically about the statistic that she provided to the
3 Court on October 10th during the bail hearing before Judge
4 Wang, and she -- and I could be wrong. I will leave myself
5 open to that, but the statistic was, based on the question that
6 Judge Wang asked, was with respect to the percentage of
7 non-citizen defendants that become fugitives, and that number
8 is less than two percent.

9 Your Honor, the government, in their motion and here
10 today, cited cases, cited recent cases where individuals fled,
11 and I addressed those cases in my motion. There have been
12 studies, actual studies done with actual hard statistics saying
13 people in drug cases are 78 percent more likely to flee than
14 people specifically in theft and fraud cases. The government
15 referenced the case of Rosa Rodriguez, where Ms. Rodriguez fled
16 just last week. That's another narcotics case that falls
17 squarely within the statistics provided by the administrative
18 office of the courts.

19 With respect to the case before Judge Cote, I think
20 that that just goes back to the fact that there's a bilateral
21 agreement regarding extradition between the United States and
22 Greece, and the government wasn't able to come up with any more
23 facts regarding property, regarding family, and children.

24 While we know that Mr. Limberatos is a property owner
25 here in the United States. He runs a business here in the

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1 United States. He has two daughters, and he lives with his
2 daughters, along with their mother, Ms. Flora Perrotta, here in
3 the United States. They go to school here in the United
4 States. They have a life here in the United States.

5 I referenced one of his daughters and some medical
6 issues she has. That's important. That's something that the
7 government just hasn't considered, hasn't taken into account,
8 but that, along with all the other things that we've mentioned,
9 those represent significant ties to the community, significant
10 ties that will keep Mr. Limberatos here in the United States,
11 keep him coming back to court, keep him fulfilling his
12 responsibilities because in fulfilling his responsibilities to
13 your Honor and to this court and to this system, he's
14 fulfilling his responsibilities to his family, your Honor.

15 The government made an issue in their motion and here
16 this morning with respect to him having -- it's not a leap, I
17 think they said, it's not a leap for someone who participated
18 in a case like this to then obtain or create a false passport.
19 I think it's a bit of a leap, your Honor. I think it's a bit
20 of a leap, I think, when they haven't charged him, they haven't
21 indicated that he's used a false identity to acquire something
22 or to go somewhere or to travel. They haven't indicated
23 anything like that. This is another one of the government's
24 hypotheticals that they're coming up with. It's a stretch,
25 your Honor, to convince your Honor that Mr. Limberatos should

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1 be detained.

2 With respect to the materials found in his home, your
3 Honor, law enforcement may have taken a look at those
4 materials. Defense counsel hasn't. We've seen pictures. We
5 haven't seen what the actual materials are, and I won't call
6 them evidence here in the courtroom, your Honor. As far as I
7 know, those are just materials. The government can call it
8 evidence, if they like, but those are materials that were found
9 in his garage. We don't know what their use is. We don't know
10 what they are. We don't know whether we'll need expert
11 testimony to say what these electronic parts are, these
12 electronic pieces, what machines, if any, these things are.
13 And unless law enforcement are now going to say that they're
14 some sort of engineers, I don't see how law enforcement can say
15 what these things are either.

16 Other than that, we'll rest on our motion, unless your
17 Honor has any questions.

18 THE COURT: Not at this time. Thank you. Before I
19 let the government reply, if it wishes to, Mr. Rothman, do you
20 have any knowledge of the statistics regarding flight by
21 non-citizens who are released on monitoring?

22 MR. ROTHMAN: I don't have any specific statistics in
23 front of me to quote from this morning, but as the lead
24 specialist for location monitoring in the office, I do know
25 that our fugitive rate is fairly low.

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1 THE COURT: Thank you.

2 MR. ROTHMAN: You're welcome.

3 THE COURT: And that's overall fugitive rate, citizens
4 and non-citizens?

5 MR. ROTHMAN: Correct. That are placed on location
6 monitoring.

7 THE COURT: Thank you.

8 Mr. Sobelman, this bilateral agreement.

9 MR. SOBELMAN: Very briefly, your Honor. I have not
10 reviewed the bilateral agreement, but I did review -- my
11 understanding is that Judge Cote yesterday found exactly what I
12 expressed to your Honor, which is that even someone who is not
13 a Greek citizen could go to Greece, become a citizen and would
14 not be subject to extradition pursuant to the arrangement.

15 The bilateral treaty doesn't mean that they will
16 extradite anyone that we want them to. We have bilateral
17 treaties with I think over a hundred nations and many of them
18 have restrictions, including not being able to extradite
19 citizens of that country to the United States. It might only
20 apply to others, but the point is this, Greece still has --

21 THE COURT: Do you know whether the bilateral treaty
22 was even argued in front of Judge Cote, or whether she examined
23 that?

24 MR. SOBELMAN: I don't, your Honor. I would need
25 to -- if that's going to be material to your Honor's decision,

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1 we would ask for additional time in order to have someone
2 advise us more specifically on that, but our understanding is
3 exactly what I expressed, which is that was what Judge Cote
4 found yesterday and that that is a firm basis.

5 THE COURT: What else do you have?

6 MR. SOBELMAN: Your Honor, very briefly. Again, page
7 21 of the transcript in front of Judge Wang makes very clear
8 that the question was not about non-citizens. There's no
9 mention of non-citizens, lines 6 through 12.

10 THE COURT: Mr. Commissiong, I think, proffered that
11 he had a separate conversation with pretrial services about
12 non-citizens and came up with that number. That's his proffer.

13 MR. SOBELMAN: I have no reason to think that
14 Mr. Commissiong would mislead the Court. I would suspect that
15 the numbers for citizens versus non-citizens are different just
16 based on their incentives to flee, and the two percent that was
17 given by the pretrial services officer, when there was no
18 question about non-citizens, likely applied to everyone.

19 But regardless, I think the government's main point,
20 which we've made, is that the court generally gets it right.
21 Just because there is a small number that flees, we don't want
22 Mr. Limberatos to be part of that number. We don't ask to
23 detain every defendant, in general, or in this case. There are
24 even some non-citizens in this case that we agreed to bail for
25 because their circumstances are just very different than

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1 Mr. Limberatos'.

2 We've only asked for detention to your Honor for three
3 of the 17 that were arrested. One, of course, consented to
4 detention. We are being very careful here and not asking
5 because if it's not something that we aren't genuinely deeply
6 concerned about.

7 With respect to theft and fraud cases not leading to
8 as many flights, we have no doubt that's true because generally
9 narcotics offenses carry much higher penalties and mandatory
10 penalties than theft or fraud cases. But here, unlike many
11 fraud cases, including in which Judge Cote detained the
12 defendant yesterday, there is a mandatory minimum sentence of
13 two years that would run consecutive to any other sentence that
14 would be imposed.

15 As we talked further in our letter, the guidelines
16 range is very high. The government would calculate it in being
17 in excess of ten years, and that's without factoring in the
18 enormity of the evidence that was gathered from Mr. Limberatos'
19 home.

20 THE COURT: So when you say in excess of ten years,
21 you're referring to the 108 to 135 range?

22 MR. SOBELMAN: Yes, your Honor.

23 THE COURT: Plus two years.

24 MR. SOBELMAN: Plus two years. Most fraud offenses,
25 in this district and elsewhere, carry a lower guidelines range

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1 than that. Not all fraud offenses are equal, and this one is
2 particularly serious.

3 In addition, and finally, Mr. Commissiong says, well,
4 he owns a home. Well, your Honor, we filed a bill of
5 particulars in this case and intend to forfeit his home because
6 we have substantial evidence that it was purchased and funded
7 with proceeds of crime. So if the defendant loses this case,
8 whether by plea or trial, we intend to forfeit that home. He
9 will not have that home, and we don't think that should be in
10 the column in his favor in this bail proceeding.

11 With that, your Honor, I'll be happy to answer any
12 additional questions your Honor may have.

13 THE COURT: Thank you. Well, the extradition issue is
14 important, and so I want supplemental information on that.

15 Mr. Commissiong, if you are able to and wish to
16 further parse your statistics on non-citizens, you can do that
17 in a supplemental submission as well.

18 So what I propose is to hold this appeal under
19 advisement to require that any supplemental submissions be made
20 by Monday, and to continue the current bail conditions pending
21 receipt of the supplemental submissions and a decision that I
22 will make based on the papers.

23 MR. SOBELMAN: Your Honor, we'd be happy to do it on a
24 tighter schedule, if your Honor wished, but we are fine with
25 that schedule if your Honor wishes. I think we could probably

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1 get back to you on the extradition issue within an hour. I
2 just need to call the assistant that handled that case and have
3 them cite me the provision.

4 Obviously, we would defer to the Court on timing. We
5 genuinely are concerned that he is a flight risk and would
6 prefer that, if your Honor is even considering detention, that
7 the issue get resolved sooner rather than later.

8 MR. COMMISSIONG: Your Honor, Monday is fine.

9 THE COURT: Well, how much time do you need to tighten
10 up your statistics? Based on his proffering, I'm going to
11 require the government put its letter in by 9:00 tomorrow
12 morning, and I'll give you until noon to respond, if you want.

13 MR. COMMISSIONG: I'd prefer -- if they're going to
14 get a submission in by tomorrow, I'd prefer Monday.

15 THE COURT: Why? It's not a question of preference.
16 It's a question of necessity that I'm asking.

17 MR. COMMISSIONG: Well, I have no idea what -- you
18 know what, your Honor, if your Honor prefers, I'll get
19 something in by tomorrow. Can I respond to them by the end of
20 the day tomorrow?

21 THE COURT: Well, I would like to be in a position to
22 make a decision tomorrow before the end of the day.

23 MR. COMMISSIONG: Okay.

24 THE COURT: And so 9:00 a.m. Noon. And you can
25 certainly start preparing your position before you see this

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1 letter.

2 MR. COMMISSIONG: Yes, your Honor.

3 THE COURT: All right. And Mr. Limberatos is under
4 restrictions. Those restrictions continue in every particular
5 until I make this determination. So do you understand that,
6 Mr. Limberatos?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Thank you. So I will assume
9 Mr. Limberatos' prompt availability, should I make a
10 determination that requires him to submit to detention.

11 MR. COMMISSIONG: Yes, your Honor.

12 Just one thing. You mentioned in the motion that I'm
13 working with him to obtain the confession of judgment with
14 respect to his property. Should I -- I guess the proper
15 procedure would be to hold off until your Honor's determination
16 tomorrow? Because he has to sign the affidavit, and then we
17 have to get it docketed in the local courthouse in Suffolk
18 County where the property is.

19 THE COURT: Well, I think you should have the
20 paperwork all queued up to be able to comply promptly. There's
21 no reason to stop preparing your paperwork.

22 MR. COMMISSIONG: Okay.

23 THE COURT: It makes sense not to file it before I
24 make my decision, but I don't want you to say, okay, it will
25 take me another three days to put the paperwork together and

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1 I'll file it next week if there's no need for that.

2 MR. COMMISSIONG: The paperwork is ready, and he just
3 has to sign, that's all.

4 THE COURT: All right.

5 MR. COMMISSIONG: Thank you, your Honor.

6 THE COURT: So get that queued up, and if it doesn't
7 need to be filed, it won't be filed.

8 MR. COMMISSIONG: Okay.

9 THE COURT: All right. Thank you, all. Is there
10 anything else that we need to take up together?

11 MR. SOBELMAN: No, your Honor. Thank you.

12 THE COURT: Okay.

13 MR. COMMISSIONG: Thank you, your Honor.

14 THE COURT: Thank you. We are adjourned. Keep well.

15 (Adjourned)